

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

DAVON PERRY

v.

UNITED STATES OF AMERICA

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Civil No. – JFM-11-2442
Criminal No. JFM-08-0165

MEMORANDUM

Devon Perry has instituted this action under 28 U.S.C. §2255.¹ Perry asserts that his trial counsel was ineffective because he did not file any substantive motions on his behalf, did not conduct any investigation, and failed to move for a continuance of the trial date so that he could conduct an investigation. Perry also contends that his appellate counsel was ineffective because he did not conduct a proper investigation into the facts and circumstances of the trial to properly formulate an appealable issue. Perry’s motion will be denied.

In fact, as this court expressly found during Perry’s sentencing proceeding, Perry’s trial counsel “did an absolutely fantastic job” in representing Perry at trial. The fact of the matter is that the evidence against Perry was overwhelming. Trial counsel did all that he could do to effectively cross-examine the government’s witnesses, including Perry’s former girlfriend whom he kidnapped and threatened to kill. By not filing motions and not moving for a continuance, Perry’s counsel placed the government in a position that it had to prepare its case for trial very quickly. That was an entirely reasonable tactical decision.

As for Perry’s claim against his appellate counsel, Perry simply has not made any demonstration that his appellate counsel did not raise an appellate issue that would have been

¹ Perry has been granted two extensions to file a reply memorandum but the time for him to file a reply memorandum has expired, and he has not filed such a memorandum.

successful. In fact, appellate counsel did raise several issues, and Perry's conviction was affirmed on appeal.

A separate order denying Perry's motion is being entered herewith.

Date: January 12, 2012

/s/
J. Frederick Motz
United States District Judge